

Chapter 17.70 BED AND BREAKFAST FACILITIES*

- Prior ordinance history: Ord. 90-06 as amended by Ords. 95-01 and 99-12.

17.70.010 Bed and breakfast defined.

“Bed and breakfast” means a residence containing not more than two kitchens where, for compensation, overnight accommodations and meals are provided, and where retail sales to bed and breakfast patrons are made. (Ord. 00-02 (part), 2000)

17.70.020 Rooming house or boarding house defined.

“Rooming house” or “boarding, house” means a residence with not more than one kitchen, where for compensation room and/or board may be provided on a daily, weekly or monthly basis. (Ord. 00-02 (part), 2000)

17.70.030 Primary residence defined.

“Primary residence” means a home, abode or place where an individual is actually living at any given point in time. (Ord. 00-02 (part), 2000)

17.70.040 Occupation defined.

“Occupation” or “occupy” means to take possession and control of a residence; to make one's home, abode or dwelling. (Ord. 00-02 (part), 2000)

17.70.050 Owner defined.

“Owner” shall mean a natural person who holds title to the licensed premises, either directly as in the form of a deed of record to the premises, or indirectly through an equity interest in a lawful entity holding title to the premises, e.g., corporate shareholder, limited liability company member or the like. To qualify as an owner, the person must hold title, either directly or indirectly, to an equity interest of not less than fifteen percent of the total equity interest in the licensed premises. Where two or more persons occupy the licensed premises, as defined in this chapter, they may combine their individual percentages of ownership to qualify as “owners.” (Ord. 00-02 (part), 2000)

17.70.060 Owner occupied defined.

“Owner occupied” when referenced in this chapter means that the legal home and primary residence of an owner, as defined herein, is resided in by at least one owner on a continuous basis for not less than nine months in any calendar year and whenever being operated as a bed and breakfast. (Ord. 00-02 (part), 2000)

17.70.065 Board of adjustment--Appeal authority.

Approval or disapproval of a bed and breakfast application by the planning commission can be appealed to the board of adjustments within ten days planning commission action. (Ord. 06-01 (part), 2006)

17.70.070 Preconditions for conditional use permit.

A. Bed and breakfast facilities, rooming and/or boarding houses may be allowed by conditional use permits where applicant can show evidence of compliance with outlined standards and procedures and where there is clearly minimal negative impact on adjacent residential properties and neighborhoods.

An inspection by the building inspector, fire chief and health department shall be required prior to the issuance of a permit and as often as necessary for enforcement of this chapter. No person shall operate a bed and breakfast unless the person holds a valid permit and business license. For purposes of obtaining a conditional use permit, rooming and/or boarding houses shall abide by the same regulations as a bed and breakfast facility.

B. A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owner will occupy the facility, as provided for herein. The letter shall be recorded by the city recorder with a certified copy to accompany the application. The letter shall also be submitted to the planning commission for its consideration.

C. The conditional use permit for a bed and breakfast facility shall be granted annually from the date of the original permit. At the end of the one-year period, renewal shall be granted by the planning commission if all other conditions required at the time of approval remain unchanged.

D. A change in ownership as defined herein will require a new conditional use permit.

E. Applicant must provide plot plans and building or floor plans one-quarter inch to the foot showing the bed and breakfast facility, parking and landscaping. Applicant must show that the facility meets minimum performance standards for off-street parking and landscaping as specified in Section 17.70.080(B). Plans shall be approved by the building inspector, zoning administrator, fire chief and health department.

F. Applicant must complete the bed and breakfast home occupation form in order to complete the conditional use permit application process. The home occupation form must contain specific information from eight adjacent property owners in regard to the proposed bed and breakfast and whether those eight property owners agree or disagree with the proposed bed and breakfast home occupancy use. (Ord. 06-01 (part), 2006; Ord. 00-02 (part), 2000)

17.70.080 Requirements for conditional use permit.

A. The bed and breakfast facility shall not unduly increase local traffic in the immediate neighborhood. Road design and access shall be considered in the planning commission's recommendation.

Construction and alterations of bed and breakfast facilities shall not alter the residential character of residential zones and of the dwelling.

B. The parcel shall also be of sufficient size to be in scale with the number of people using the facility. All bed and breakfast rentals must provide adequate parking (required one off-street parking space per rental bedroom) in addition to needed parking for owners of the facility, have a maximum thirty-day stay, and meals shall be served to guests only (bed and breakfast: zoning R2, R3, R4).

C. All units shall have a parcel to finished dwelling unit ratio that exceeds five to one (or no dwelling unit in excess of twenty percent of the total parcel size area).

D. No bed and breakfast facility shall rent for compensation more than seven rooms, except that suites that do not use a public corridor or passageway between suite bedroom areas shall be counted as one room.

E. No bed and breakfast facility shall allow more than two adults in any rental room unless the bedroom square footage is larger than three hundred square feet and does not use a public corridor or passageway between suite bedroom areas.

F. Signs are limited to one nonflashing sign not larger in area than two hundred twenty-six square inches. If lighted, the light shall be defused or shielded.

G. All bed and breakfast facilities shall pay water and sewer rates according to the rate formulas contained in Sections 13.24.010 and 13.24.020.

H. All bed and breakfasts must collect and pay an applicable transient room tax, sales tax and city gross business license fee.

I. The bed and breakfast facility shall conform to fire, building and health codes and be licensed in

conformance with all city ordinances. Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare and the residential character of residential zones may be required by the planning commission. (Ord. 00-02 (part), 2000)

17.70.090 Enforcement.

All violations of this chapter are classified as Class B misdemeanors, punishable by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment. Each day of violation or noncompliance shall constitute a separate offense and may be prosecuted accordingly. The city council may also revoke or suspend violator's license(s) for noncompliance of conditional use. (Ord. 00-02 (part), 2000)